



IFW 3737 \$

PTO/SB/21 (09-04)  
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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/016,244
Filing Date	October 30, 2001
First Named Inventor	Guillermo J. Tearney
Art Unit	3737
Examiner Name	To be assigned
Attorney Docket Number	186599/US/2 - 475387-00153

### ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): PTO-1449 form with references and Return Receipt postcard
<div>Remarks</div>		

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Dorsey & Whitney, L.L.P.		
Signature			
Printed name	Gary Abelev, Esq.		
Date	August 15, 2006	Reg. No.	Reg. No. 40,479



### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Gary Abelev, Esq.	Date	August 15, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

 <p>Effective on 12/08/04</p> <p><b>FEE TRANSMITTAL SHEET</b></p>		<p><b>Complete if Known</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td>Application No.</td> <td>10/016,244</td> </tr> <tr> <td>Filing Date</td> <td>October 30, 2001</td> </tr> <tr> <td>First Inventor</td> <td>Guillermo J. Tearney</td> </tr> <tr> <td>Group Art Unit</td> <td>3737</td> </tr> <tr> <td>Examiner Name</td> <td>To be assigned</td> </tr> </table>		Application No.	10/016,244	Filing Date	October 30, 2001	First Inventor	Guillermo J. Tearney	Group Art Unit	3737	Examiner Name	To be assigned																																																																																																																												
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<input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input checked="" type="checkbox"/> Deposit Account No.: <b>50-2054</b> Deposit Account Name: <b>DORSEY &amp; WHITNEY LLP</b> For the above-identified deposit account, the Director is hereby authorized to: (check all that apply) <input checked="" type="checkbox"/> Charge any additional fees or underpayments of fee(s) under 37 C.F.R. 1.16 and 1.17 <input checked="" type="checkbox"/> Credit any overpayments <input type="checkbox"/> Other (please identify):		<b>3. ADDITIONAL FEES</b>																																																																																																																																							
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="5" style="text-align: center;">Extra Claim Fees</th> </tr> <tr> <th>Current Claims</th> <th>Prior</th> <th>Extra</th> <th>Fee</th> <th>Fee Paid</th> </tr> <tr> <td>Total</td> <td>-</td> <td>=</td> <td>x \$</td> <td>= \$</td> </tr> <tr> <td>Ind.</td> <td>-</td> <td>=</td> <td>x \$</td> <td>= \$</td> </tr> <tr> <td>Multiple Dependent Claims</td> <td></td> <td></td> <td>x \$</td> <td>= \$</td> </tr> <tr> <td colspan="3" style="text-align: right;"><b>Subtotal (Extra Claims)</b></td> <td></td> <td><b>\$</b></td> </tr> </table>		Extra Claim Fees					Current Claims	Prior	Extra	Fee	Fee Paid	Total	-	=	x \$	= \$	Ind.	-	=	x \$	= \$	Multiple Dependent Claims			x \$	= \$	<b>Subtotal (Extra Claims)</b>				<b>\$</b>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th>Large Entity Fee</th> <th>Small Entity Fee</th> <th>Fee Description</th> <th>Fee paid</th> </tr> <tr> <td>50</td> <td>25</td> <td>Surcharge - late provisional filing fee or cover sheet</td> <td></td> </tr> <tr> <td>130</td> <td>65</td> <td>Surcharge - Late nonprovisional filing fee or oath</td> <td></td> </tr> <tr> <td>180</td> <td>180</td> <td>Submission of IDS</td> <td>180</td> </tr> <tr> <td>40</td> <td>40</td> <td>Recording each patent assignment per property (times number of properties)</td> <td></td> </tr> <tr> <td>120</td> <td>60</td> <td>Extension for reply within first month</td> <td></td> </tr> <tr> <td>450</td> <td>225</td> <td>Extension for reply within second month</td> <td></td> </tr> <tr> <td>1,020</td> <td>510</td> <td>Extension for reply within third month</td> <td></td> </tr> <tr> <td>1,590</td> <td>795</td> <td>Extension for reply within fourth month</td> <td></td> </tr> <tr> <td>2,160</td> <td>1,080</td> <td>Extension for reply within fifth month</td> <td></td> </tr> <tr> <td>790</td> <td>395</td> <td>Submission After Final 1.129</td> <td></td> </tr> <tr> <td>500</td> <td>250</td> <td>Notice of Appeal</td> <td></td> </tr> <tr> <td>500</td> <td>250</td> <td>Filing a brief in support of an appeal</td> <td></td> </tr> <tr> <td>1,000</td> <td>500</td> <td>Request for oral hearing</td> <td></td> </tr> <tr> <td>130</td> <td>65</td> <td>Terminal Disclaimer Fee</td> <td></td> </tr> <tr> <td>800</td> <td>400</td> <td>Design Issue Fee</td> <td></td> </tr> <tr> <td>790</td> <td>395</td> <td>Request for Continued Examination (RCE)</td> <td></td> </tr> <tr> <td>130</td> <td></td> <td>Request for voluntary publication or republication</td> <td></td> </tr> <tr> <td>500</td> <td>250</td> <td>Petition to Revoke – unavoidable</td> <td></td> </tr> <tr> <td>1,500</td> <td>750</td> <td>Petition to Revoke – unintentional</td> <td></td> </tr> <tr> <td>200</td> <td></td> <td>Filing for patent term adjustment</td> <td></td> </tr> <tr> <td>400</td> <td></td> <td>Request for reinstatement of term reduced</td> <td></td> </tr> <tr> <td>1,120</td> <td></td> <td>Extension of term of patent</td> <td></td> </tr> <tr> <td colspan="2">OTHER FEE (specify)</td> <td></td> <td></td> </tr> <tr> <td colspan="2" style="text-align: right;"><b>Subtotal (Additional Fees)</b></td> <td></td> <td></td> </tr> <tr> <td colspan="2" style="text-align: right;"><b>Total Amount of Payment: \$180</b></td> <td></td> <td></td> </tr> </table>		Large Entity Fee	Small Entity Fee	Fee Description	Fee paid	50	25	Surcharge - late provisional filing fee or cover sheet		130	65	Surcharge - Late nonprovisional filing fee or oath		180	180	Submission of IDS	180	40	40	Recording each patent assignment per property (times number of properties)		120	60	Extension for reply within first month		450	225	Extension for reply within second month		1,020	510	Extension for reply within third month		1,590	795	Extension for reply within fourth month		2,160	1,080	Extension for reply within fifth month		790	395	Submission After Final 1.129		500	250	Notice of Appeal		500	250	Filing a brief in support of an appeal		1,000	500	Request for oral hearing		130	65	Terminal Disclaimer Fee		800	400	Design Issue Fee		790	395	Request for Continued Examination (RCE)		130		Request for voluntary publication or republication		500	250	Petition to Revoke – unavoidable		1,500	750	Petition to Revoke – unintentional		200		Filing for patent term adjustment		400		Request for reinstatement of term reduced		1,120		Extension of term of patent		OTHER FEE (specify)				<b>Subtotal (Additional Fees)</b>				<b>Total Amount of Payment: \$180</b>			
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Enclosed is a Petition filed under 37 CFR as indicated below:																																																																																																																																									
<input type="checkbox"/> <b>Petition Fee under 37 CFR 1.17(f) Fee \$400</b> § 1.53(e) to accord a filing date. § 1.57(a) to accord a filing date. § 1.182 for decision on a question not provided for. § 1.183 to suspend the rules. § 1.378(e) for reconsideration of decision on petition refusing delayed payment of maintenance fee in expired patent. § 1.174(b) to accord a filing date to an application under § 1.740 for extension of patent term.																																																																																																																																									
<input type="checkbox"/> <b>Petition Fee under 37 CFR 1.17(g) Fee \$200</b> § 1.12 for access to an assignment record. § 1.14 for access to an application. § 1.47 for filing by other than all inventors or person not the inventor. § 1.59 for expungement of information. § 1.103(a) to suspend action in an application. § 1.136(b) for review of a request for ext. of time when § 1.136(a) not avail. § 1.295 for review of refusal to publish a statutory invention registration. § 1.296 to withdraw a req. for pub. after notice of intent to publish issued. § 1.377 for review of decision refusing to accept a maintenance fee filed prior to expiration of a patent. § 1.550(c) for request for ext. of time in <i>ex parte</i> reexam. proceedings. § 1.956 for request for ext. of time in <i>ex parte</i> reexam. proceedings. § 5.12 for expedited handling of foreign filing license. § 5.15 for changing the scope of a license. § 1.5.25 for retroactive license.																																																																																																																																									
<input type="checkbox"/> <b>Petition Fee under 37 CFR 1.17(h) Fee \$130</b> § 1.19(g) to request documents in a form other than provided in this part. § 1.84 for accepting color drawings or photographs. § 1.91 for entry of a model or exhibit. § 1.102(d) to make an application special. § 1.138(c) to expressly abandon an application to avoid publication. § 1.313 to withdraw an application from issue. § 1.314 to defer issuance of a patent.																																																																																																																																									
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		250 Park Avenue New York, NY 10177																																																																																																																																							
Name: Gary Abelev, Esq.		Phone No.: 212-415-9371	Fax No.: 212-953-7201																																																																																																																																						
Signature: 		Reg. No.: Reg No. 40,479	Date: August 15, 2006																																																																																																																																						



186599/US/2 - 475387-00153 PATENT


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s) : Guillermo J. Tearney et al.  
Serial No. : 10/016,244  
Filed : October 30, 2001  
Entitled : OPTICAL METHODS AND SYSTEMS FOR TISSUE ANALYSIS  
Group Art Unit : 3737  
Examiner : Ruth S. Smith

**INFORMATION DISCLOSURE STATEMENT PURSUANT TO 37 C.F.R. § 1.97(i)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

I hereby certify that this document is being sent via First Class U. S. mail addressed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on this day of August 15, 2006.

  
(Signature)

Dear Sir:

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(d), Applicant respectfully requests that the listed references on the enclosed form PTO-1449 be placed in the file of the above-referenced application. Copies of the United States patent references listed on the Form PTO-1449 are not enclosed, but the PCT, foreign and non-patent references are enclosed.

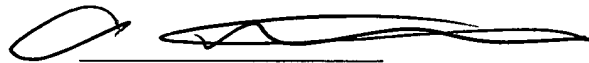
Each of the enclosed documents that are listed in the attached PTO-1449 form was cited in a communication from a international and/or foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in § 1.56(c) more than three (3) months prior to the filing of this information disclosure statement.

If the Examiner applies the documents as prior art against any claim in the application and applicants determine that the cited documents do not constitute “prior art” under United States law, applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of the documents.

The requisite fee of \$180.00 pursuant to these sections and 37 C.F.R. § 1.17(p) is enclosed herewith. The Commissioner is hereby further authorized to charge any deficiencies and credit any over payments for the submission of this Information Disclosure Statement to the Dorsey & Whitney’s Deposit Account 50-2054.

Respectfully submitted,

**DORSEY & WHITNEY, LLP**



Gary Abelev  
PTO Reg. No. 40,479  
Attorneys for Applicants  
(212) 415-9371

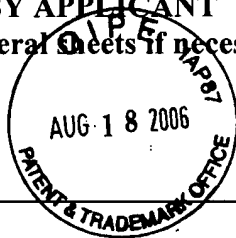
Form PTO-1449 U.S. Department of Commerce  
(REV. 2-82) Patent and Trademark Office

Atty. Docket No.  
186599/US/2 – 475387-  
00153

Serial No.  
10/016,244

**INFORMATION DISCLOSURE STATEMENT  
BY APPLICANT**

(Use several sheets if necessary)



Applicant(s)  
Guillermo J. Tearney

Filing Date  
October 30, 2001

Group  
3737

**U.S. PATENT DOCUMENTS**

*Exam. Init.	Document No.	Date	Name	Class	Subclass	Filing Date if Appropriate
2004	0 1 5 0 8 2 9	August 5, 2004	Koch et al.			
	5 3 0 5 7 5 9	April 26, 1994	Kaneko et al.***			
	6 2 6 3 2 3 4	July 17, 2001	Engelhardt et al.***			

**FOREIGN PATENT DOCUMENT**

Document No.	Date	Country	Class	SubClass	Translator Yes No
9 8 1 4 1 3 2	April 9, 1998	WIPO***			
9 8 4 8 8 3 8	November 5, 1998	WIPO***			
4 1 3 5 5 5 0	May 11, 1992	Japan ***			
4 1 3 5 5 5 1	May 11, 1992	Japan ***			

\*\*\* References cited in Japanese Patent Application No. 2002-538830

**OTHER DOCUMENTS (including Author, Title Date, Pertinent Pages, Etc.)**

Notice of Reasons for Rejection and English translation for Japanese Patent Application No. 2002-538830

4817-4609-9713\1

Examiner

Date Considered

\* Examiner: Initial citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.